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Summary of Qualifications and Requirements for

Write-In Candidates

for the

March 5, 2002 Primary Election

or the

November 5, 2002 General Election

I. QUALIFICATIONS

NOTE: General qualifications that all candidates must meet in order to run as write-in candidates for various offices:

A. A candidate for **Member, House of Representatives**, shall:

1. Be at least 25 years of age, a U.S. citizen for seven years, and a resident of California when elected. U.S. Const. Art. I, §2
2. Have a valid voter registration affidavit on file in the county of residence at the time nomination papers are obtained.¹ There are no district residency requirements for Members of Congress. §201²

C. A candidate for **State Legislative** office shall:

1. Be a U.S. citizen. Cal. Const. Art. IV, §2(c)
2. Be a registered voter and otherwise qualified to vote for that office at the time nomination papers are issued to the person. §201
3. Not have served two terms in the State Senate since November 6, 1990, if a candidate for State Senate; not have served three terms in the State Assembly since November 6, 1990, if a candidate for State Assembly. Cal. Const. Art. IV, §2(a)

D. A candidate for **Governor or Lieutenant Governor** shall:

1. Be a U.S. citizen . Cal. Const. Art. V, §2
2. Be a registered voter and otherwise qualified to vote for that office at the time nomination papers are issued to the person. §201

¹ The US 9th Circuit Court of Appeals has declared Elections Code §201 unconstitutional as it applies to candidates for US Representative in Congress. The Secretary of State is currently seeking review of this decision before the US Supreme Court. For updated information, please contact the Secretary of State's office at (916) 657-2166.

²Unless otherwise noted all references are to the California Elections Code.

3. Not have served two terms as Governor since November 6, 1990, if a candidate for Governor; not have served two terms as Lieutenant Governor since November 6, 1990, if a candidate for Lieutenant Governor. Cal. Const. Art. V, §§2 & 11

E. A candidate for **Secretary of State, Controller, Treasurer, or Superintendent of Public Instruction** shall:

1. Be a registered voter and otherwise qualified to vote for that office at the time nomination papers are issued to the person. §201
2. Not have served in the same office for more than two terms since November 6, 1990. Cal. Const. Art. V, §11

F. A candidate for **Attorney General** shall:

1. Be a registered voter and otherwise qualified to vote for that office at the time nomination papers are issued to the person. § 201
2. Have been admitted to practice before the California Supreme Court for a period of at least five years immediately preceding his or her election to such office. Gov. Code § 12503
3. Not have served two terms as Attorney General since November 6, 1990. Cal. Const. Art. V, §11

G. A candidate for **Insurance Commissioner** shall:

1. Be a registered voter and otherwise qualified to vote for that office at the time nomination papers are issued to the person. §201
2. During tenure of office, not be an officer, agent, or employee of an insurer or directly or indirectly interested in any insurer or licensee under the California Insurance Code, except (a) as a policyholder, or, (b) by virtue of relationship by blood or marriage to any person interested in any insurer or licensee. Insurance Code § 12901
3. Not have served two four-year terms as Insurance Commissioner. Insurance Code § 12900(a)

H. A candidate for **Member, State Board of Equalization**, shall:

1. Be a registered voter and otherwise qualified to vote for that office at the time nomination papers are issued to the person. § 201³

³ Government Code section 15601 requires one year residency in the district prior to the election; however, it is the legal opinion of our office that this provision violates the U.S. Constitution.

2. Not have served two terms as a Member of the State Board of Equalization since November 6, 1990. Cal. Const. Art. XIII, §17

II. General Requirements

In general, write-in candidates must file declarations of write-in candidacy and submit nomination sponsor signatures, as well as meet campaign disclosure requirements. They do not pay filing fees. The specific requirements follow.

A. CAMPAIGN COMMITTEE FILINGS AND RESPONSIBILITIES

Any individual who intends to be a candidate for an elective office shall:

1. For **state constitutional and legislative offices, Board of Equalization, and office of the Insurance Commissioner**, comply with the following Political Reform Act requirements:

- a. Statement of Intention

File with the Secretary of State Political Reform Division an original and one copy of a statement of intention to be a candidate for a specific office (Form 501). This statement shall be signed under penalty of perjury and filed prior to the solicitation or receipt of any contribution or loan. Gov. Code §85200

- b. Campaign Contribution Account

Establish one campaign contribution account at an office of a financial institution located in California upon filing the statement of intention.

1. All contributions or loans made to the candidate, to a person on behalf of the candidate, or to the candidate's controlled committee shall be deposited in the account.
2. Any personal funds, which will be used to promote the election of the candidate, shall be deposited in the account prior to expenditure.
3. All campaign expenditures shall be made from the account.

Gov. Code §§85200 & 85201

- c. Exceptions

- 1) Parts a and b(3) and (4), above, do not apply to a candidate's payment of a filing fee and statement of qualifications fee from his or her personal funds. Gov. Code §§85200 & 85201(f)
- 2) Part b, above, does not apply if the candidate does not receive contributions and makes campaign expenditures from personal

funds of less than \$1,000 in a calendar year, excluding payment of the filing fee and statement of qualifications fee. Gov. Code §85201(g)

If such candidate later spends \$1,000 or more in a calendar year, he or she must establish a campaign contribution account before the \$1,000 expenditure threshold is reached. The required account information shall be filed with the Secretary of State Political Reform Division within 5 days of establishing the account. Gov. Code §85201(h)

2. For **federal offices**, the write-in candidate should contact the Federal Election Commission at 999 E Street, N.W., Washington, D.C. 20463 or call toll-free 1-800-424-9530 for a copy of the Federal Election Campaign Act, As Amended, related regulations giving the filing requirements for reporting campaign contributions, and the forms on which to file.

B. STATEMENT OF WRITE-IN CANDIDACY

1. The statement of write-in candidacy shall contain the following information:
 - a. candidate's name;
 - b. candidate's complete residence address;
 - c. a declaration stating that the candidate is a write-in candidate;
 - d. the name of the office for which the candidate is running; and
 - e. the party nomination which the candidate seeks, if running in a primary election;
 - f. the date of the election. \$8600*
2. The statement of write-in candidacy shall set forth in full the oath or affirmation provided in Section 3 of Article XX of the California Constitution. \$200
3. For the **primary election**, the statement of write-in candidacy must be filed between January 7 to February 19, 2002.
4. For the **general election**, the statement of write-in candidacy must be filed between September 9 and October 22, 2002.

C. FILING FEE

Write-in candidates are not required to pay filing fees. \$8604

- The candidate does not have to be registered with the party in which he or she is seeking to run as a write-in, nor with any qualified political party. He or she must be registered to vote in California. There is also no party affiliation or disaffiliation requirement as there is for certified candidates whose names are printed on the ballot.

D. NOMINATION PAPERS

1. The required number of signers to a write-in candidate's nomination paper for the respective offices are as follows:
 - a. **Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, Insurance Commissioner, and Superintendent of Public Instruction:** Not less than 65 nor more than 100.
 - b. **Member of House of Representatives, State Legislative Office, and Member of State Board of Equalization:** Not less than 40 nor more than 60.
 - c. **Signers** must be of the same political party as the party in which the write-in candidate is seeking nomination in the primary.
2. For the **primary election**, between January 7 and February 19, 2002, circulate nomination papers for signatures and leave them for examination with the county elections official of the county in which the signers reside. §8601
3. For the **general election**, between September 9 and October 22, 2002, circulate nomination papers for signatures and leave them for examination with the county elections official of the county in which the signers reside. §8601
4. The candidate may appoint persons to circulate the nomination paper. §§8042 & 8065
 - a. Circulators shall be voters in the district in which the candidate is seeking election, if running for a district office; circulators shall be registered voters in California if the candidate is seeking statewide office. §8066
 - b. Circulators shall circulate the nomination papers only in the district in which the candidate is seeking election if running for a district office; circulators shall circulate only in their county of residence if the candidate is seeking statewide office. §8066
 - c. If the district includes more than one county, the circulator shall circulate the petition only in the county in which he or she resides. §8065
5. Each section of the nomination paper shall be delivered to the county elections official of the county in which the signer resides and is a voter not later than February 19, 2002 for the primary election; not later than October 22, 2000 for the general election. §8063

E. PRIMARY ELECTION WRITE-IN CANDIDATES QUALIFYING TO HAVE

NAME PRINTED ON GENERAL ELECTION BALLOT

In order for a write-in candidate in the primary election to qualify as the nominee of a political party and have his or her name printed on the general election ballot, he or she must receive more votes than any other candidate running for the party's nomination and must also receive write-in votes equal to at least 1% of all votes cast for that office at the last preceding general election at which the office was filled. The minimum number of votes required to obtain the write-in nomination are attached as pages 11 – 15 of this document. §8605

F. STATEMENT OF ECONOMIC INTERESTS

Each state candidate except those running for Congress and U.S. Senate must file a Statement of Economic Interests with the county elections official disclosing investments, interests in real property, and any income received during the immediately preceding 12 months pursuant to the requirements of the Political Reform Act of 1974, As Amended.

Gov. Code §87201

Candidates for federal office may have similar requirements under federal law and should contact the Federal Election Commission.

This statement is to be filed between January 7 and February 19, 2002 for the **March 5, 2002 Primary Election**. It is not required if the candidate has filed such a statement within the past sixty days for the same jurisdiction.

This statement is to be filed between September 9 and October 22, 2002 for the **November 6, 2002 General Election**. It is not required if the candidate has filed such a statement within the past sixty days for the same jurisdiction.

III. CANVASS OF WRITE-IN VOTES

- A. No name written upon a ballot in any election shall be counted for an office or nomination unless the candidate whose name has been written on the ballot has been certified as a write-in candidate. §15351

1. See Title 2 California Code of Regulations §§20101-20105, attached, for provisions relating to the canvass of incomplete write-in votes.

- B. The name of a write-in candidate shall be written by hand upon a ballot. The use of pressure-sensitive stickers or methods other than handwriting of indicating the name of the write-in candidate are not valid, and a name indicated by any such method shall not be counted. §15353

Frequently-Asked Questions Concerning Write-In Candidacies

Q.: Can anyone run as a write-in candidate?

A.: Any person who meets the qualifications for the specific office may run as a write-in candidate. However, in order for votes to be counted and certified, the candidate must comply with the specific legal requirements set forth above.

Q.: Where can persons obtain the forms they must file to run as a write-in candidate?

A.: There is no statutory provision requiring county elections officials to supply forms; however, the official may have the forms necessary for a candidate to complete in order to run as a write-in candidate. The candidate should check with his/her county elections official.

Q.: Must a write-in candidate running in the November general election meet the 3-month party affiliation/twelve-month party disaffiliation requirement in order to run in the November general election (as is required for primary write-in candidates)?

A.: No.

IMPORTANT NOTICE

This Information Sheet of Qualifications and Requirements is for general information only and does not have the force and effect of law, regulation or rule. In case of conflict, the law, regulation or rule will apply. The candidate should obtain the most up-to-date information available because of possible changes in law or procedure since the publication of this information.

Title 2 California Code of Regulations

Write-In Canvass Provisions

Section 20101. Definitions.

(a) For the purpose of sections 20102-20105, "qualified write-in candidate" shall refer to candidates who have complied with Part 3⁴ of Division 8 of the Elections Code (beginning at Section 8600).

(b) For the purpose of sections 20102-20105, "ballot" shall include ballot envelope, card, or paper ballot on which write-in votes are authorized to be indicated by Elections Code §302.

Section 20102. Write-in vote; no office indicated.

The name of a qualified write-in candidate shall be counted when the name is written in on a voter's ballot and no office is indicated for the candidate, or the office is incompletely indicated (e.g., "Senator" without district number), if:

(a) the candidate is a qualified write-in candidate for an office properly appearing on the voter's ballot; and

(b) no other qualified write-in candidate for any office appearing on the voter's ballot bears a name so similar to the name as written in, considering the voter's misspellings or omission of portions of the name, if any, as to leave a reasonable doubt as to the voter's intention.

Section 20103. Write-in vote; misspelled or incomplete name.

The misspelled or incomplete name of a qualified write-in candidate written in on a ballot shall be counted for the candidate when the office for which the candidate has qualified is also indicated on the voter's ballot, if:

(a) the name as written in bears a reasonable resemblance to the qualified candidate's name; and

(b) no other write-in candidate qualified for the indicated office has a name that is so similar to the name as written in as to leave a reasonable doubt as to the voter's intention.

Section 20104. Write-in vote; misspelled or incomplete name, office omitted.

The misspelled or incomplete name of a qualified write-in candidate written in on a ballot shall be counted for the candidate even though the office for which the candidate has qualified is omitted or incompletely indicated on the voter's ballot, when:

(a) the name as written in bears a reasonable resemblance to the qualified candidate's name; and

(b) no other write-in candidate qualified for any office properly appearing on the voter's ballot has a name that is so similar to the name as written in as to leave a reasonable doubt as to the voter's intention.

Section 20105. Write-in vote; wrong office indicated.

The name of a write-in candidate qualified for an office appearing on the voter's ballot which is written in the pre-printed column designated for an office other than one for which the write-in candidate is qualified shall not be counted for any purpose.

⁴ The Elections Code sections referenced in these regulations have been changed to reflect the accurate Elections Code sections to which they refer, but the regulations themselves have not been similarly amended.

Write-in Candidates

Number of Votes Required in the March 5, 2002 Primary Election
to Place Candidate's Name on November 5, 2002 General Election Ballot.

Office	Votes Last Election	Write-in Votes Needed for Nomination
Partisan:		
Governor	8,385,156	83,852
Lieutenant Governor	8,143,358	81,434
Secretary of State	8,052,943	82,342
Controller	8,005,777	80,058
Treasurer	7,920,411	79,205
Attorney General	7,997,734	79,978
Insurance Commissioner	8,036,037	80,361
Board of Equalization,		
First District	1,836,716	18,368
Second District	1,887,466	18,875
Third District	1,936,200	19,362
Fourth District	1,463,993	14,400
Nonpartisan:		
Superintendent of Public Instruction	7,062,235	70,623*

*This number applies only if no candidate for the nonpartisan offices receives a majority of the votes cast in the primary election. If any candidate receives a majority of votes cast in the primary election then that candidate is elected and there is no run-off election in November.

Write-in Candidates - 2002
Congress
(to be determined)

Dist.	Votes Last Election	Write-in Votes Needed for Nomination	Dist.	Votes Last Election	Write-in Votes Needed for Nomination
01	241,296	2,413	27	206,349	2,064
02	253,593	2,536	28	202,504	2,026
03	233,624	2,337	29	234,195	2,342
04	288,703	2,888	30	90,789	908
05	214,761	2,148	31	113,545	1,136
06	276,574	2,766	32	168,684	1,687
07	204,096	2,041	33	64,466	645
08	231,557	2,316	34	150,137	1,502
09	214,688	2,147	35	116,725	1,168
10	290,687	2,907	36	240,922	2,410
11	189,618	1,897	37	115,128	1,152
12	225,221	2,253	38	181,378	1,814
13	190,159	1,902	39	205,218	2,053
14	241,989	2,420	40	199,519	1,996
15	243,161	2,432	41	169,231	1,693
16	153,779	1,538	42	147,932	1,480
17	202,357	2,024	43	184,295	1,843
18	173,890	1,739	44	195,873	1,959
19	221,489	2,215	45	216,635	2,167
20	122,671	1,227	46	106,255	1,063
21	197,176	1,972	47	256,351	2,564
22	249,775	2,498	48	242,236	2,423
23	206,705	2,068	49	232,333	2,324
24	231,805	2,319	50	137,185	1,372
25	210,483	2,105	51	258,508	2,586
26	114,045	1,141	52	203,146	2,032

Write-in Candidates - 2002

State Senate

Dist.	Votes Last Election	Write-in Votes Needed for Nomination	Dist.	Votes Last Election	Write-in Votes Needed for Nomination
02	269,094	2,691	22	124,750	1,248
04	239,148	2,392	24	117,469	1,175
06	233,420	2,335	26	140,586	1,406
08	211,152	2,112	28	179,572	1,796
10	188,567	1,886	30	108,898	1,089
12	208,702	2,088	32	128,900	1,289
14	174,832	1,749	34	120,996	1,210
16	128,168	1,282	36	212,214	2,123
18	253,966	2,540	38	221,629	2,217
20	128,873	1,289	40	156,351	1,564

Dist.	Votes Last Election	Write-in Votes Needed for Nomination	Dist.	Votes Last Election	Write-in Votes Needed for Nomination
State Assembly					
01	141,601	1,417	37	101,999	1,020
02	125,755	1,258	38	78,417	785
03	129,194	1,292	39	48,264	483
04	168,160	1,682	40	74,388	744
05	130,143	1,302	41	131,195	1,312
06	148,345	1,484	42	109,623	1,097
07	129,043	1,291	43	84,958	850
08	114,219	1,143	44	116,224	1,163
09	92,458	925	45	48,667	487
10	138,744	1,388	46	26,791	268
11	116,369	1,164	47	95,484	955
12	100,577	1,006	48	46,191	462
13	112,291	1,123	49	61,500	615
14	119,013	1,191	50	36,106	362
15	159,362	1,594	51	68,772	688
16	89,065	891	52	45,742	458
17	89,350	894	53	124,039	1,241
18	96,551	966	54	109,596	1,096
19	106,629	1,067	55	57,990	580
20	90,371	904	56	92,249	923
21	127,310	1,274	57	56,300	563
22	97,142	972	58	72,447	725
23	59,838	599	59	106,596	1,066
24	121,146	1,212	60	90,186	902
25	122,491	1,225	61	66,509	666
26	82,811	829	62	56,321	564
27	124,318	1,244	63	94,185	942
28	92,450	925	64	64,852	649
29	91,080	911	65	98,953	990
30	68,174	682	66	127,910	1,280
31	61,979	620	67	115,714	1,158
32	103,314	1,034	68	76,980	770
33	126,949	1,270	69	43,246	433
34	94,137	942	70	109,060	1,091
35	126,757	1,268	71	129,009	1,291
36	102,108	1,022	72	105,468	1,055
73	107,497	1,075	77	97,962	980
74	115,973	1,160	78	115,829	1,159
75	123,419	1,235	79	51,862	519
76	107,546	1,076	80	95,219	953